

Notice of Allowability

Application No.

09/835,209

Examiner

Alain L. Bashore

Applicant(s)

JOHNSON, BLAKE

Art Unit

1762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2-3-06.
2. ☒ The allowed claim(s) is/are 2, 6-9, 11, 15-18, 21, and 25-28.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


ALAIN L. BASHORE
PRIMARY EXAMINER

DETAILED ACTION

Allowable Subject Matter

1. Claims 2, 6-9, 11, 15-18, 21, and 25-28 are allowed.
2. The following is an examiner's statement of reasons for allowance:

The present invention includes independent claims 2, 8, 11, 17, 21, 27. Claims 2 and 8 recite a method of determining business entity ownership interest allocation in accordance with a digital data set; claims 8 and 17 recite a computer system that determines a business entity ownership interest allocation; claims 21 and 27 recite a program product for use in a computer system that executes program steps recorded in a computer-readable media to perform a method for determining business entity ownership interest allocation in response to a data set.

De Wolf et al is considered the closest prior art. DeWolf et al teaches a method of determining business entity ownership interest allocation in response to a data set. A contribution value is calculated for the contributor transactions to indicate the contribution of each transaction to the value of the business entity, using at least one performance metric (para 001-0012). At least one award rule is determined for each contributor (para 0013).

De Wolf et al does not disclose the combination as claimed including:

In claim 2:

calculating a contribution value for the contribution value for the contributor transactions in each contributor transaction class to indicate the contribution of each transaction to the value of the business entity, using at least one performance metric for each contributor transaction class;

determining at least one award rule for each contributor transaction class in response to the calculated contribution values for the contributor transaction classes;

determining the amount of the ownership interest in the business entity to be issued to the selected contributor in accordance with the determined award rule; and issuing the determined ownership interest to the selected contributor.

In claim 8:

calculating a contribution value for the contribution value for the contributor transactions in each contributor transaction class to indicate the contribution of each transaction to the value of the business entity, using at least one performance metric for each contributor transaction class;

determining at least one award rule for each contributor transaction class in response to the calculated contribution values for the contributor transaction classes; wherein determining an award rule for a selected transaction contributor comprises:

determining an ownership interest award rule for each contributor transaction class; and,

determining one or more rules governing changes in equity awards for contributor transaction classes over time; and

determining an ownership interest award for each transaction contributor of the data set according to the calculated contribution value.

In claim 11:

calculating a contribution value for the contribution value for the contributor transactions in each contributor transaction class to indicate the contribution of each transaction to the value of the business entity, using at least one performance metric for each contributor transaction class;

determining at least one award rule for each contributor transaction class in response to the calculated contribution values for the contributor transaction classes, wherein the processors further execute program instructions to determine the amount of the ownership interest in the business entity to be issued to the selected contributor in accordance with the determined award rule and issue the determined ownership interest to the selected contributor.

In claim 17:

calculating a contribution value for the contribution value for the contributor transactions in each contributor transaction class to indicate the contribution of each transaction to the value of the business entity, using at least one performance metric for each contributor transaction class;

determining at least one award rule for each contributor transaction class in response to the calculated contribution values for the contributor transaction classes, wherein the processors determine an award rule for the selected transaction contributor by determining an ownership interest award rule for each contributor transaction class; determining one or more rules governing changes in equity awards for contributor transaction classes over time; and determining an ownership interest award for each transaction contributor of the data set according to the calculated contribution value.

In claim 21:

calculating a contribution value for the grouped contributor transactions in each contributor transaction class to indicate the contribution of each transaction to the value of the business entity, using at least one performance metric for each contributor transaction class; and

determining at least one award rule for each contributor transaction class in response to the calculated contribution values for the contributor transaction classes, wherein operations further comprise:

determining the amount of the ownership interest in the business entity to be issued to the selected contributor in accordance with the determined award rule; and
issuing the determined ownership interest to the selected contributor.

In claim 27:

calculating a contribution value for the grouped contributor transactions in each contributor transaction class to indicate the contribution of each transaction to the value of the business entity, using at least one performance metric for each contributor transaction class; and

determining at least one award rule for each contributor transaction class in response to the calculated contribution values for the contributor transaction classes;
and,

determining at least one award rule for each contributor transaction class in response to the calculated contribution values for the contributor transaction classes, wherein the operation of determining an award rule for a selected transaction contributor comprises:

determining an ownership interest award rule for each contributor transaction class; and

determining one or more rules governing changes in equity awards for contributor transaction classes over time; and

determining an ownership interest award for each transaction contributor of the data set according to the calculated contribution value.

For these reasons claims 2, 8, 11, 17, 21, 27 are deemed to be allowable over the prior art of record, and claims 6-7, 9, 15-16, 18, 25-26 and 28 are allowable by dependency.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion


3. Allowable subject matter may require further review for applications in class 705 before a notice of allowance is mailed to applicant. The time period for review may vary from application to application.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alain L. Bashore whose telephone number is 571-272-6739. The examiner can normally be reached on about 7:30 am to 5:00 pm (Mon. thru Thurs.).

Regarding all Class 705 applications, the management contact regarding examination is: Vincent Millin (SPE, art unit 3624) at 571-272-6747.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571-272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Alain L. Bashore
Primary Examiner
Art Unit 1762